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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
KOCH, GEORGE R	

ART UNIT	PAPER NUMBER
1791	

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09/29/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/565,746	SWOBODA, WERNER	
	Examiner	Art Unit	
	George R. Koch III	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-45* is/are pending in the application.

4a) Of the above claim(s) *4-45* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of group I in the reply filed on 1/18/2010 is acknowledged. The traversal is on the ground(s) that there is no search burden. This is not found persuasive because applicant merely makes a conclusory statement, and sets forth no grounds as to why examination of 41 total claims involving separate subject matter does not involve a search burden. Applicant also fails to address why there is no examination burden, offering no arguments or remarks as to why there is no examination burden.

The requirement is still deemed proper and is therefore made FINAL.

2. Newly submitted claims 42-45 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1, 3-41, drawn to an apparatus, classified in class 118, subclass 58.

II. Claims 42-45[1], drawn to 42-45, classified in class 34, subclass 308.

The inventions are distinct, each from the other because of the following reasons:

4. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus does not require that the step of "moving the object through the radiation zone of the at

[1] It is noted that non-elected claim 46 is now dependent from claim 46, which does not exist.

least one radiation emitter by pivoting the support frame and providing translational movement of the transport carriage such that that all surface zones of the object are exposed to a sufficient amount and intensity of radiation to cure a material on the surface zones of the object" be performed, and therefore can practice a different process.

5. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and/or examination burden if restriction were not required because at least the following reason(s) apply:

The inventions are distinct for the reasons given above, and a search and an examination burden both independently exists. A search burden exists because a new search in new classes and subclasses is required. An examination burden separately exists because method claims require different analysis.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected invention**.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

6. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 42-45 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urquhart (US 4,772,374) in view of Ehrenleitner (US 2003/0056723 A1)

As to claim 1, Urquhart discloses an apparatus for curing a coating on an object, said coating consisting of a material which cures under electromagnetic radiation, the apparatus including at least one radiation emitter (heating oven 20c, which may include a plurality of infrared or radiant wall panels 378, see column 9, lines 19-27) producing electromagnetic radiation;

a conveyor system (work carrier unit 30, superstructure 24, and see Figure 2), which conveys the object into the vicinity of the radiation emitter and away again therefrom;

wherein the conveyor system comprising: at least one transport carriage (Figure 2, Figure 5, work carrier unit 30), which may be displaced translationally on at least one running surface (rails 39 on both sides) and comprising:

a drive motor (transfer motor 46) for the translational movement;

a support frame (shown in Figure 5), to which the object may be attached (shown in Figure 5). Urquhart also discloses that the support frame may be pivoted or swivelled independently (via pivots 226 and 228) of the translational movement about a pivot or swivel axis extending perpendicularly to the direction of the translational movement (see column 5, line 65 to column 6, line 31, disclosing two different embodiments for pivoting or oscillating movement). Urquhart discloses that the transport carriage comprises at least one arm (see Figure 4 and 5, showing number structures 222, 224, 230b, 240b, etc which could read on the term "arm"), to the outer end of which the support frame is attached in pivotable or swivellable manner (for example, item 222 pivots on one end of Figure 5 around item 226) and which may

be pivoted or swivelled at its opposing, inner end (for example, item 224 pivots on the other end around item 228) about a second pivot or swivel axis.

However, as applicant notes, Urquhart does not disclose at least one arm having a first end pivotablv attached to the support frame to pivot about the first axis and a second end configured to pivot about a second axis ***different*** than the first axis.

However, Ehrenleitner discloses an arm arrangement with at least one arm having a first end pivotablv attached to the support frame to pivot about the first axis and a second end configured to pivot about a second axis ***different*** than the first axis. Arm structure 50 has a first end which pivots around one axis and which is connected to structure 52. Arm structure 50 also has a second end which allows pivoting around a second axis different than the first axis and which is connected to structure 60 and 61. See also paragraph 0008 and 0009, discussing the multiple axes. The two pivot axis can be best seen in Figure 5. Ehrenleitner discloses that handling systems such as that of the prior art, including Urquhart, often permit single kinematics which is not ideal for many objects having unfavorable geometries. See paragraph 0005. Additionally, paragraph 0018 discloses that this particular arrangement allows for the pivoting arm to cooperate with an energy storage device that is able to store energy that can later be released. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utlized the an arm arrangement with at least one arm having a first end pivotablv attached to the support frame to pivot about the first axis and a second end configured to pivot about a second axis ***different*** than the first axis as disclosed in Ehrenleitner in order to avoid single kinematics which is not ideal for many objects having unfavorable geometries and to store energy that can later be released.

As to claim 3, Urquhart discloses that the transport carriage may be moved on two parallel running surfaces (rails 39, see column 4, lines 1-7, disclosing rail 39, and see Figure 2, showing a pair of parallel rails 39).

Response to Arguments

10. Applicant's arguments filed 7/19/2010 have been fully considered but they are not persuasive.

As noted above, Ehrenleitner discloses an arm arrangement with at least one arm having a first end pivotablv attached to the support frame to pivot about the first axis and a second end configured to pivot about a second axis ***different*** than the first axis. Arm structure 50 has a first end which pivots around one axis and which is connected to structure 52. Arm structure 50 also has a second end which allows pivoting around a second axis different than the first axis and which is connected to structure 60 and 61. See also paragraph 0008 and 0009, discussing the multiple axes. The two pivot axis can be best seen in Figure 5. Ehrenleitner discloses that handling systems such as that of the prior art, including Urquhart, often permit single kinematics which is not ideal for many objects having unfavorable geometries. See paragraph 0005. Additionally, paragraph 0018 discloses that this particular arrangement allows for the pivoting arm to cooperate with an energy storage device that is able to store energy that can later be released. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utlized the an arm arrangement with at least one arm having a first end pivotablv attached to the support frame to pivot about the first axis and a second end configured

to pivot about a second axis ***different*** than the first axis as disclosed in Ehrenleitner in order to avoid single kinematics which is not ideal for many objects having unfavorable geometries and to store energy that can later be released.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-866-377-8642 and giving the operator the

above TDD number. The examiner can also be reached by E-mail at george.koch@uspto.gov in accordance with MPEP 502.03. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George R. Koch III/
Primary Examiner, Art Unit 1791

3/18/2010